

a corporation, Evansville, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Home made brand Pure Fermented Apple Vinegar. Made for Ragon Brothers, Evansville, Ind. Guaranteed by Old Kentucky Cider Vinegar Works, Covington, Ky. Made 10-12-12. Reduced to 40 grain. Guaranteed to comply with the Pure Food Law." Five of the barrels were also marked "49 gals." Eight of the barrels were marked "50 gals."

Misbranding of the product was alleged in the libel for the reason that the statements, brands, and marks on the outside of the packages regarding the measure in net gallons of the contents of said barrels were false and misleading in that the statements and the marks, brands, and labels on said barrels, as to the net contents in gallons of vinegar contained in said barrels, were incorrect, whereas, in truth and in fact, said barrels contained 8.43 per cent less vinegar in net gallons than the amount indicated by the measures marked on said barrels indicating the net gallon contents thereof, and that the variations between the marks, brands, and labels on said barrels, indicating the net contents in gallons, and the actual net contents in gallons of said barrels, were not reasonable variations, and that said barrels were not small packages.

On June 5, 1913, no claimant having appeared for the property, a decree pro confesso was entered, and on September 26, 1913, the case having come on for final hearing on the libel and the said decree pro confesso, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after the removal and obliteration of the figures indicating the net gallons contained in the barrels.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3090. Misbranding of beer. U. S. v. Rudolph Stecher Brewing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5195. I. S. No. 5022-e.)

On November 14, 1913, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rudolph Stecher Brewing Co., a corporation, Murphysboro, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 7, 1912, from the State of Illinois into the State of Missouri, of a quantity of beer which was misbranded. The product was labeled: "Guaranteed by Rudolph Stecher Brewing Co. under the Food & Drugs Act, June 30th, 1906, Serial No. 19731. Brewed from the finest barley & German hops. Quality unexcelled Purity Guaranteed Heidelberg Style Export Beer Bottled by Rudolph Stecher Brewing Co. Murphysboro, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	3. 75
Extract (per cent by weight).....	5. 60
Extract original wort (per cent by weight).....	11. 60
Degree fermentation.....	51. 73
Volatile acid as acetic (grams per 100 cc).....	0. 012
Total acid as lactic (grams per 100 cc).....	0. 135
Maltose (per cent).....	2. 30
Dextrin (per cent).....	2. 42
Ash (per cent).....	0. 12
Proteid (per cent).....	0. 233
P ₂ O ₅ (per cent).....	0. 036
Undetermined (per cent).....	0. 53
Polarization, undiluted, 200 mm. tube.....	+41
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	3

Misbranding of the product was alleged in the information for the reason that the product was branded so as to deceive and mislead the purchaser thereof by having on each of the bottles the label set forth above, which said statement on the labels and bottles of beer would mislead the purchaser thereof into believing that the beer was brewed solely and only from barley and German hops, whereas, in truth and in fact, the said beer was not brewed solely and only from barley and German hops, but, on the contrary, the said beer was brewed from barley, German hops, and rice. Misbranding was alleged for the further reason that the statement on the labels on the bottles of beer aforesaid would mislead the purchaser into believing that the beer was brewed solely and only from barley and German hops, whereas, in truth and in fact, the said beer was not brewed solely and only from barley and German hops, but, on the contrary, was brewed from barley, German hops, rice, corn, and sugar. Misbranding was alleged for the further reason that the statement on the labels on the bottles of beer would mislead the purchaser thereof into believing that it was brewed solely and only from barley and German hops, whereas, in truth and in fact, it was not brewed solely and only from barley and German hops, but, on the contrary, it was brewed from barley, German hops, and some cereal other than barley and German hops, the exact nature of said cereal being unknown, and which therefore could not be more particularly described in the information. (The basis of the charge of misbranding, as reported by this department to the Department of Justice, was solely that the product had not been "brewed exclusively from barley, malt, and hops, but from barley, malt, and hops, and some other cereal or cereal product.")

On January 20, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3091. Misbranding of vinegar. U. S. v. 55 Barrels, More or Less, Vinegar. Decree of condemnation. Product released on bond. (F. & D. No. 5196. S. No. 1775.)

On May 3, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of Ragon Bros., Evansville, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Elks Pride Brand Cider Vinegar. Made by The Harbauer Company, Toledo, Ohio, March 11, 1913. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 8904. Made from apple juice diluted to 4% acidity." The barrels were also marked with figures indicating the net contents in gallons of said barrels, as follows, to wit, 3 barrels with the figures "44"; 2 barrels with the figures "45"; 5 barrels with the figures "46"; 3 barrels with the figures "47"; 10 barrels with the figures "48"; 11 barrels with the figures "49"; 4 barrels with the figures "50"; 2 barrels with the figures "51"; 4 barrels with the figures "52"; 3 barrels with the figures "53"; 6 barrels with the figures "54"; 2 barrels with the figures "55."

Misbranding of the product was alleged in the libel for the reason that the statements, brands, and marks on the barrels regarding the measure in net gallons of the contents of the barrels were false and misleading in that the statements as to the net contents and gallons of vinegar contained in the barrels were incorrect; that, in truth and in fact, said barrels contained 6.13 per cent less vinegar in net gallons than the amount indicated by the figures marked on the barrels indicating the net gallon contents thereof, and the variations between the marks, brands, and labels indicating the net contents in gallons and the actual net contents in gallons of said barrels were not reasonable variations and said barrels were not small packages.